

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MIDWESTERN CONSULTING, LLC,

Plaintiff,

v.

Case No. 12-10600

THE ATWELL GROUP, LLC, et al.,

Defendants.

ORDER CONVERTING HEARING TO TELEPHONE CONFERENCE

Plaintiff initiated this case in the 15th Judicial District Court of the State of Michigan on December 8, 2011, asserting claims of unjust enrichment and conversion based on Defendants' alleged improper use of Plaintiff's topographic and boundary survey. Defendants timely removed the matter, stating that Plaintiff's complaint essentially asserted copyright claims over which this court has exclusive jurisdiction under 28 U.S.C. § 1338(a). Thereafter, Defendants filed a motion to dismiss, arguing that Plaintiff's state law claims were preempted by the United States Copyright Act, 17 U.S.C. § 106, and that Plaintiff's claims should thus be dismissed under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. Plaintiff did not timely respond to that motion, and it appears that Plaintiff may be abandoning the case. If Plaintiff intends to pursue the matter, the court has preliminary questions and concerns to discuss with the parties before addressing Defendants' motion. Accordingly, the court concludes that the most efficient manner in which to proceed is to conduct a telephone conference with counsel. Thus,

IT IS ORDERED that the **April 18, 2012**, motion hearing is CONVERTED to a telephone conference. The court will place the call.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 13, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 13, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522